

**MINUTES
PURCELLVILLE TOWN COUNCIL
REGULAR MEETING
JANUARY 14, 2014**

The regular meeting of the Purcellville Town Council was convened at 7:00 PM with the following attendance:

PRESENT: Robert Lazaro, Jr., Mayor
Keith Melton, Vice Mayor
Joan Lehr, Council member
Tom Priscilla, Jr., Council member
James Wiley, Council member
Patrick McConville, Council member
John Nave, Council member

STAFF: Rob Lohr, Town Manager
Patrick Childs, Assistant Town Manager
Alex Vanegas, Director of Public Works
Sally Hankins, Town Attorney
Patrick Sullivan, Director of Community Development
Darryl Smith, Sr., Police Chief
Daniel Galindo, Planner II
Lt. Jim Rust, Police Department
Jennifer Helbert Town Clerk

CALL TO ORDER OF REGULAR MEETING:

Mayor Lazaro called the regular meeting to order at 7:00 PM

AGENDA AMENDMENTS:

None

PROCLAMATIONS/ANNOUNCEMENTS/PRESENTATION:

None Scheduled

PUBLIC HEARING:

- a) **Board of Architectural Review Appeal to Town Council** – Pursuant to the Purcellville Zoning Ordinance Article 14A, Section 7 and the Purcellville Town Code Chapter 54, Section 54-79, Martinsburg Plaza L.L.C. and Chapman Group

L.L.C. appeal to Town Council the conditions of design approval adopted on December 18, 2013 by the Board of Architectural Review for a proposed development project known as Vineyard Square. Vineyard Square is proposed to be constructed within the Town's Historic Corridor Overlay District and Architectural Control Overlay District, at property currently addressed as 138, 140, 142, 144, 146, 148, and 148A North 21st Street, in downtown Purcellville. The appellants' application for the design approval of Vineyard Square is identified by the Town of Purcellville as CDA 13-11. The Town Council will review and decide this appeal based on (a) the Design Criteria located in Section 54-96 of the Town Code and Article 14A, Section 8.1 of the Town of Purcellville Zoning Ordinance, (b) the Design Guidelines for the Town of Purcellville, Virginia, adopted December 12, 2006, (c) the recommendation of the Board of Architectural Review, and (d) other relevant evidence.

Pat Giglio Chairman of the Board of Architectural Review came forward to speak. Mr. Giglio stated that the Town Council's discussions tonight should not be focused on the projects economics or how many additional residential units may be created or the semantics of the interpretation of the Zoning Ordinance. What is before the Town Council tonight and what has been the focus of the BAR's review for the past three months is simply a discussion of the architecture and design of the proposed Vineyard Square development and if the proposed design blends and is compatible with the existing commercial buildings and streetscape of North 21st Street. He stated that tonight the Council gets to put on another hat and review the application applying the same Zoning Ordinance Criteria, Design Guidelines as administered by the BAR and their review of the application. Also, for the record he would like to clarify that the applicants assertion that the BAR and/or Town Council does not have the authority under the provisions of the Zoning Ordinance to dictate architectural style and/or height of the building within the Historic Corridor Overlay District is false, specifically Article 14, Section 2.6 of the Town's Zoning Ordinance authorizes the Town's Board of Architectural Review to issue Certificates of Design Approval for the development within the Historic Corridor Overlay District. The Zoning Ordinance states "the Board of Architectural Review may specify any architectural feature as to appearance such as but not limited to motif and style, color, texture, materials together with configuration orientation and other limitations as to mass shape and height to the extent authorized under the design criteria of the Zoning Ordinance and the Town's adopted design guidelines." While the design criteria located within the Zoning Ordinance references only certain basic architectural principals and there are only six of them in the Zoning Ordinance, the design guidelines are the Town's formally adopted book that provides more detailed guidance and direction regulating development in the Town's Historic Corridor Overlay Districts and is the basis of all of the BAR's review and decisions, the BAR in its motion to approve the Vineyard Square application identified issues with the height, scale, massing and architectural

features of the proposed design and its compatibility with the architecture and streetscape of historic downtown based on the Zoning Ordinance criteria and that of the Design Guidelines, specifically the Design Guidelines call for gradual height changes between building and states that the "height and mass of new projects or construction should not create abrupt changes from those of existing buildings to be sympathetic and compatible with adjoining buildings and the scale of downtown the BAR's condition required that the proposed buildings fronting on North 21st Street be two to three stories and four stories in the rear as opposed to the four and five stories being proposed by the applicant to respect the adjoining commercial buildings and it also provides required gradual height changes as stipulated in the design guidelines. He stated that also as proposed the Vineyard Square Development would be the tallest building in Purcellville and would dominate the smaller scale with the surrounding commercial buildings and streetscape. Decreasing the height of the proposed building as required by the BAR will allow the proposed building to better blend with the neighboring buildings and complement the existing streetscape in conformance with the Zoning Ordinance and the Design Guidelines.

Chairman Giglio stated that the applicant has also proposed a variety of architectural details which they refer to as expressions, they include the Aegean Expression which includes the proposed silo like feature on the O Street elevation and the Jeffersonian and the Freight Depot expressions on the 21st Street elevations, the Design Guidelines succinctly state that all new construction and additions should be compatible with the prevailing and recognized architectural character of the surrounding area. This is especially important in downtown which is defined by late 19th and early 20th Century two and three story brick commercial buildings as well as renovated wood frame industrial buildings. The Design Guidelines also call for design continuity around the entire building to ensure architecture compatibility. The expressions as proposed by the applicant introduce architectural details and elements which create a disharmonious and unbalanced visual image that are not compatible with the traditional architecture of Purcellville's downtown. The BAR in its conditions proposed to eliminate or modify these expressions to enable the proposed design to better blend with the existing streetscape and architecture of the surrounding historic buildings which contribute to the uniqueness authenticity and sense of place of North 21st Street. The BAR at its December meeting had requested that the applicant provide a timeline extension so that work could continue on the application by the applicant refused and called for the BAR to take action. Chairman Giglio stated that throughout the process the BAR tried to work with the applicant to further refine the design and to consider other options for the development of the site which were more in keeping with the character of Purcellville's downtown and the Town's adopted Design Guidelines, however the applicant continues to site their use of contemporary use of their property. The BAR's conditions in no way affect the applicant's use of their proposed building, as with any design project

there are multiple ways for a developer to design the same project to meet their economic metrics, the applicant has turned their back on the principles outlined within the design guidelines and the character of Purcellville's historic downtown. Outstanding issues still remain pertaining to the height, scale, massing and architectural features of the proposed design. The Town Council when establishing the Historic Corridor Overlay District and adopting the Design Guidelines in 2006 recognized the importance of protecting the Town's unique historical and architectural character, ensuring that new development is in keeping with the small town character of Purcellville so tonight he asked that the Town Council reaffirm the Town's long term commitment to downtown and uphold the BAR's decision to support approval of the Vineyard Square Development with the findings and conditions as presented.

Mark Nelis applicant came forward to speak. Mr. Nelis stated that he wants to inform the Council that he has 13 drawings here and 12 of them have previously been reviewed by the BAR, five elevations that are dated December 18, 2013, one retail elevation dated December 18, 2013, five illustrative renderings, a sidewalk to building relationship overlay of the same date and a massing diagram dated, January 8, 2014. Mr. Nelis stated that he would like to briefly address the conditions of approval for the Board of Architectural Review because on appeal he believes that is the role of the Council. He stated that the BAR had two issues with height, one is Item #3 of the resolution, the tallest portion of the building at 21st and O Streets shall be two to three stories, #4 the tallest portions of the building comprising the rear elevation shall be no taller than four stories. Mr. Nelis stated that they believe the height of the building is controlled by applicable revisions in the Zoning Ordinance, the motion is erroneous in that the motion refers to the number of stories and not to the height of the building. He stated that they adjoin the Magnolia's Restaurant which is a single story building with a Mezzanine that is 57 feet tall so when the motion refers to stories he does not know how you can get to the height of the building which is how the C4 District regulates height not by stories. Also Mr. Nelis stated that when you read Article 14A, Section 4.1 which is part of the Historic Overlay District says that the C4 regulations take precedent over the historic regulations in regards to the height of the building. Mr. Nelis stated that in his opinion Section 9.8.3 of the C4 regulations is the heart of this matter, he stated that this section of the Zoning Ordinance, the C4 regulations were debated and reviewed at length for almost two years by the Planning Commission, Town Council and Planning staff at the time and adopted in 2008 and what those regulations say is that for this piece of property one half of the frontage can be no higher than 35 feet, any other building in the C4 can be 60 feet tall but the compromise was that we knew we were rejoining some single story buildings so the Ordinance was held to 35 feet as a consideration then the balance of the buildings could be 65 feet and what he would like to say is that these building drawings fit that Ordinance like a hand in a glove. He stated that those regulations were written for the development of this

property and it does need it. He stated that given the design of the building it is impossible to restrict the front corner of the two to three stories while constructing the rear of the building to four stories. He stated that two of the adjoining buildings Adams Mill and Valley Energy have testified on the record that they have no objection to the building, they have no objection to the height of the building. He stated that Mary Stover has objected to the height of the building and he would like to point out to the Council that the façade adjoining her store is only 14 feet tall, he stated that they did that purposely. Mr. Nelis stated that the most important issue is that they cannot build the building that the BAR approved. He stated that it does not make economic nor fiscal sense, he stated in regards to the design they believe that it's as simple as Article 14, Section 8.2, the Board of Architectural Review and the Town Council on appeal shall not adopt or impose any specific architectural style in the administration of this article. He stated that it is written extraordinarily clear, the classical columns design guidelines Section 11, Page 19 say "in keeping with the traditional design styles prevalent in the Town, traditional Tuscan or Doric columns are encouraged and that is what they have. He stated that the BAR had asked them to consider continuing the parapet wall but in order to continue the parapet wall they would have had to continue the building elevation so at that point where they have the colonnade they have a sidewalk that is 26 feet wide, if they bring the building elevation out with the parapet wall stacked on top of it they now come down to an eight foot sidewalk and it is their understanding that one of the goals of the Town as reflected in the Kimley Horn Plans was to create wider sidewalks. Mr. Nelis stated that for the rear elevations their architect with their consent has picked out some elements that he believes reflect the rear of Magnolias' building such as open brackets and some timber framing. They believe that it is compatible and they believe it's unwise to remove those elements because they are trying to blend in with the architecture of the Town. He stated that they have carefully considered the conditions of the BAR approval that were done on December 18th and in being consistent with the provisions of Section 5489B of the Town Code they have prepared a drawing that perfects, clarifies and proves and adapts the building to the conditions imposed by the BAR. He stated what the drawing does is removes the rooftop pergola, it removes the barn doors from the rear of the building, it removes one of the roof elements that the BAR had consistently objecting too and it lowers the height of the building at the corner of 21st and O Street.

The Mayor indicated that the next piece to this is public comment.

Gary Lofdahl of 341 East Main Street came forward to speak. Mr. Lofdahl read the following: "In would like to express his sincere disappointment and frustration with the Vineyard Square submission, the Town along with the Board of Architectural Review has been working for many years now to establish Architectural Guidelines that would further the Town's desire to keep in small town character and charm. This applicant has decided to go against well-

established ideas of scale, building types and appropriateness and is endangering our historic district that will have negative implications to the Town for many decades. I can understand that this area of 21st Street was considered for redevelopment because the existing buildings were not particularly distinctive but what I did expect was the replacement to at least try to maintain the small town scale, streetscape and character of 21st Street. It is continuing to develop with the renovation of the Panko's building the It's Bazaar on 21st Street along with the stores that dedicated store owners that maintain their historic storefronts. The addition of the strip of retail and offices that include Mr. Nelis' office is a good example of new construction that makes deference to precedents in that area of the Town. With this submission the streetscape is completely ignored, the two story existing structures along the east side of the street gave way to the new one story building and then another one story building with a billion of some type apparently removed, the obvious design decision would be to maintain the two story precedent or even step up to three stories in the new area which is not uncommon. Then we have an open courtyard that has no precedent that leads to a very Neo Classical entry then the appearance of two five story structures that will loom over the rest of the block. Although the applicants ceased to fulfill the requirements of the unfortunate zoning code they should also comply with the recommendations of the BAR if a presentation consultant is needed to help them understand the issues then the applicants should hire one. Complying with the zoning code is very straightforward but the concepts and vision needed to build a sensitive inspired and appropriate project is difficult and can take time and effort. This is exactly why the Town has a Board of Architectural Review. I would hope that the Town Council will understand this and allow the BAR to do what they are best suited to do and work with the applicants to achieve the best project for the future of the Town and the success of the owners. The project that is an embarrassment in scale and design will be an eye sore in the Town forever. The Town Council should not rush and enforce this issue, several years ago the Town hired consultants to do a study of how the historic district could be enhanced and developed in the future, while not ideal these concept drawings are much better than what is being presented to us currently. Why are we not looking at the suggestions we already paid for, there are so many towns in America that struggle with the same dilemma that I believe that we should study some of these towns and what they have done and understand where they have been successful. Architecturally there are too many awkward and in appropriate details to point out in three minutes, besides the awkward massing some of these details seem like blatant attempts to throw a small bone to the Town's guidelines as a way of claiming compliance. I would love to point out at least 10 of these inappropriate details if you would ask me too. What is truly needed in this project to make this project successful for all parties is a serious redesign that includes more down to earth and historically accurate massing, materials and detailing that will be sympathetic to our historic district and the existing structures that will reside with it. What is too often the pattern is that an applicant will submit a design that is

totally contrary to the direction the Town wants to go and then hopes by making small tweaks to the design over several months the design will be approved by the sheer exhaustion of the regulating bodies. I implore you to not let this happen and be firm in your believe that this Town will not succumb to uninspired attempts to maximize the allowable square footage with window dressing the awkward massing of the project. We can and should continue to be an example of how to encourage smart development, if this design is approved the historic center of our Town is in peril, what recourse will the Town have to deny the next applicant who is insensitive to established ideas and appropriate design, none. I understand the developers want to make money from this project and believe they can do so while still maintaining the character and scale of the Town. I ask that they chose to work with and not against the BAR to achieve this as the Purcellville Gateway developers did to great success”.

Nan Forbes of 341 West Main Street came forward to speak. Ms. Forbes stated that she endorses the comments of the previous speaker and believes he was very articulate. She stated that she will not be redundant of what he said but will say that Purcellville is not Arlington and it is not the part of Alexandria that has undergone a massive reconstruction around the old railroad. She stated that a lot of the design that is being shown looks like it was simply transplanted from those two locations, we are by definition a very small Town, we are not either one of those communities and we are not California and it seems to her that this design is not sympathetic, it's not compatible with the existing buildings and if the criteria is that it's supposed to be compatible with existing buildings she doesn't see how it can be put side by side with anything that is existing and in fact it seems as though the intent is to replace all of the existing buildings with this but that is backwards it is not what our Code requires. She stated that we do not want to demolish the existing seascape or landscape, we need to keep it small we are a small Town and this needs to be in scale with our small Town. This is the camel's nose in the tent, in fact it's the camels head, shoulders and front feet in the tent. If the intent is that this is what Purcellville is going to look like then what we are really looking at is this being the criteria and the rest of the Town being demolished so that we end up with this. Ms. Forbes stated that when you look at old pictures of Purcellville, when you look at the iconic pictures of Purcellville what you are really looking at is some of the buildings that look like the building at the corner of 21st Street next to Nichols, the corner of 21st Street and old Rt. 7 doesn't look like this not even close so what is the Town supposed to be doing. She stated that that the Town does not have a bunch of columns on 21st Street in fact she has columns but she is down the road on Main Street. Ms. Forbes stated that the Town needs smaller buildings, shorter buildings and buildings that are compatible and she is asking the Town Council to support the BAR.

Kim Patterson of 114 East D Street came forward to speak. Ms. Patterson stated that many people know her as a business owners as well as a resident. She stated that she met John and Mark in October of 2010 when they began to negotiate the lease for Re-Loveit. She stated that she has never been opposed to the project they were told in 2010 that if they were to open a business there the building would come down. She stated that it's a quirky building, kind of fun, it has a lot of little weird rooms, it has been added on too and added on to and she knows it's not historic but it has been kind of fun since the time they have been there. She stated that she has never been opposed to the project or the building come down, however it's six stories, that's the only thing she does not like and she knows that Magnolia's at 57 feet but that seems to be a little decorative peak and not a full building. Ms. Patterson stated that she also does not care for the look of the building and if it looked more like the building that Shamrock was in or like the one that Atoka Properties or White Palace is in it seems like it would fit better. She stated that to her it looks like it's wearing a striped shirt with plaid pants and it doesn't quite seem to fit. Ms. Patterson stated that she would be the Town Council to reconsider the look and the height. She stated that she is speaking as a resident and not as a business owner.

Michael Oaks of 114 East D Street came forward to speak. Mr. Oaks stated that she would like to speak to the Council as a business owner in Purcellville. He stated that they rented Re-LovIt from Mark and John knowing one day they would have to move out and he is totally in favor of the project. Mr. Oaks stated now as a Purcellville resident he does not want a five or six story building in the downtown. He stated that this is Purcellville, this is a small Town, he moved here from Miami and he does not want to see a building that looks like it should be in Miami, three to four stories yes that would be great. He stated he loves this Town but he does not love that. He stated that he hears it every day in his shop and they all say they are not against the project they just do not want a five or six story building in Town. Mr. Oaks asked that the Town Council put off the vote tonight and come and talk to the residents.

Karen Jimmerson of 520 East Skyline Drive came forward to speak. Ms. Jimmerson stated that the words of Mark Nelis were "our proposed construction meets ordinance requirements like a hand in a glove", he also stated that it was in the Comprehensive Plan for this to happen, it works with the Comprehensive Plan, this is from the Comprehensive Plan "many facades on 21st Street could be rehabilitated to take advantage of probably historic features....numerous buildings have rehabilitation potential.....this simple building on the even side of 21st Street could be rehabilitated by adding some interesting features that are complimentary to the downtown streetscape on 21st Street." She said it goes on and on about how to do that. She stated that someone said these are not historic buildings but one look today on the National Register of Historic Places they are all listed there every one of them the dates that they were built, the facades and all of that. She

stated that she understands that we have to appeal to the needs of the property owners but is not her job nor the Council's to make sure that he makes money. If he bought a piece of property and he can't make it go or it doesn't do what he thinks it should do it is not her job to allow him to destroy a Town, the whole base of it, it's not our job to make him money. Ms. Jimmerson stated that she does not believe that this is the right thing. She believes that it is over the top. She finds it be hooveris that they have when they invite all of their friends to come and speak for this event because she is sure that is coming soon and they want to support their friend and they pretend like they are residents and they are not, even the builder doesn't even live in this Town, he owns property in this Town. She stated that she lives in this Town and we have to support the infrastructure of these projects, she stated that she pays for it out of her taxes, he doesn't, not the same way, she lives here and walks through the Town. Ms. Jimmerson stated that she also feels that it's wrong when these builders and contractors and developers are flippantly saying around Town "yea we might not get what we want we might have to lower the scale to three stories" and she heard two people say three stories tonight so if this gets approved at three stories then I guess they knew it was coming and the Council would bend over and let them do whatever they want. Ms. Jimmerson stated that she feels that if you are a tenant of Mr. Chapman then you need to recuse yourself from any voting on this.

David Eno of 351 East Main Street came forward to speak. Mr. Eno stated that if the guy from Miami says this is a problem then this project has a problem. Mr. Eno stated that some years ago he was involved in a controversy in Canton, NY over the State University of NY and they had a building much the same as this and someone called it Modern Inca Design so it goes south from Miami. He stated that he is here tonight in opposition to this project. He stated that it does not fit the scale, a layman who knows nothing about architecture can take one look and say "does this reflect Purcellville" and the answer is no, he stated that people here do not understand Section 54.89B the various subdivisions of all the law, people feel lost but from his perspective in this Town he has not heard anyone express in public any approval of the project so he would urge the Council to turn down the idea of this project and let it be redesigned and let them come up with something that is compatible with the community as we know it.

Elizabeth Landon Carter Delaney of 351 East Main Street came forward to speak. Ms. Delaney stated that her husband David Eno and she live on Main Street, a few blocks from the Town Council's proposed redevelopment and ruin of 21st Street. She stated that they object to the cheap looking, substandard, modernization of a block of businesses which should be preserved for their small Town integrity, we object to the massive increase in traffic which the destruction of the heart of our Town would cause while the construction of the several story block long mistake will take months to perpetrate. She stated that the Town is proposing to destroy what is of value to the residents of Purcellville for the

construction of what is at best an architectural insult. She stated that she objects to the horrendous financial blow to her favorite small businesses by a project which is planned for the wrong place in the wrong Town. She stated that her home is here in Purcellville and she wants to preserve the small Town charm, the very reason why everyone lives here. She stated that if the Town Council votes to approve the destruction of the historic area for the construction of this earth sots project to which we object you will be betraying the trust of the good Towns people and the businesses of Purcellville, please stop before you vote to approve this outlandish project.

Sharon Cline of 220 West J Street came forward to speak. Ms. Cline stated that she has been here for 18 years so she is a relative newcomer to Town but she moved here because she liked the small Town atmosphere of Purcellville. She stated that the scope of what Mr. Nelis and Mr. Chapman are trying to build is too overwhelming and does not maintain the small Town feel that many of us want to keep. Change is not a bad thing but what they are proposing may fit within the guidelines but that doesn't necessarily make it a good thing.

Shaileen Backman of 301 East Main Street came forward to speak. Ms. Backman stated that she would like to say that the five or six stories is excessive, she is all for a tasteful historic revitalization but it needs to be something of scale and architecture that compliments the streetscape. She stated that she loves what Mark Nelis did with his building on the end of 21st Street even though it is not historic she believes it is very complimentary. She does not believe that that part of Town can bare the traffic and she feels that if the argument is that they need the height to make it profitable then to her that is not what zoning is all about. She stated that earlier the comment was made that it doesn't make economic sense but again she believes that zoning is put into place to protect the citizens and the businesses and to find a balance so that everyone can enjoy quality of life, it's not about profit. She stated that she also believes that allowing a building of such height would open up the door to more of the same and she would hope to see as much of our precious historic buildings saved, especially the facades and she would like to end by saying that she would ask the Council to respectfully listen to the BAR.

John Chapman of 125 Hirst Road came forward to speak. Mr. Chapman stated that he too likes downtown Purcellville, he likes the buildings and the façades, he likes most everything that is built down there and as a matter of fact he and Mr. Nelis along with a fellow by the name of Bruce Brownell have worked on trying to create and help create downtown Purcellville from the Bike Shop to Magnolia's to Mr. Nelis' building to tearing down Terry's Auto Body shop and building a parking a lot to working on O Street and getting the Eagles brought up to date and building their parking lot. He stated that they were part of all of that side of the downtown of which he thinks everyone can be proud of, they have had a strong

hand in that, either they personally built it or helped build it, helped design it, helped get it approved through all of the phases at that end of Town including working with the Town on getting the Train Station so he believes he and Mr. Nelis have this Town's close to their hearts. He stated that they do not want to bring anything into Town or build anything that they do not think would help increase the viability of the downtown. Mr. Chapman stated that truly it's hard to see what these buildings will look like until they are actually built but he believes that if you look at their history they have not built anything that looks bad. He stated that they have not built anything that is out of character. He stated that Magnolia's was reclaimed and built very nice and at the end of the day all he can say is that he and Mark have done their very best to help create the downtown and he promises that they will move forward with this project and any other project they do to help make the downtown a better place to be.

Judith Thieman of 210 South 32nd Street came forward to speak. Ms. Thieman stated that everyone has already said everything she wanted to say and she has been saying the same thing for several years. She stated that there seems to be no end of rules and restrictions and guidelines which help and do protect small businesses and homeowners, it's always not too close, not too high, your deck is too large, no you can't but that's what permits are for, we get permits and permits and there are the guidelines so why do developers persist in pleading that we can't do something economically feasible unless you change the rules for us and you know you worked really hard and probably spent some money on our Historic Corridor Overlay but what was the point if someone comes along and says well it's too rickety we can't save it, well I'm rickety and I wish you would save me. Ms. Thieman stated that her three favorite places to shop in this Town are old houses that have been repurposed and everyone knows what those three houses are and they are really nice places to shop and spend your money and she does that she would rather shop here than drive to Leesburg.

Kelli Grim of 812 Devonshire Circle came forward to speak. Ms. Grim stated that she certainly echo what many speakers have said and it makes her proud to see that residents are standing up for preserving and protecting real small Town Purcellville not real small Town feel. She stated that you probably think that after seven years of living in this Town and watching closely the dastardly deeds of the politicians and their chosen few that she would be saying what difference at this point does it make, this is what a lot of residents are saying, the fix is in, it's a done deal, nothing the residents say even mattered because none of the public servants are even listening, such words for most truly humble public servants would pull at their heart strings but not in Purcellville. She stated that she would not expect anything less, maybe one or two politically motivated "no" votes from this group and those that have been here on Council since her family moved to Purcellville. She stated that one Council person says "Town is not made of up buildings but of people", she agrees, it is, listen to the people. Ms. Grim stated,

how about the Nichols family and the blood, sweat and tears of what they brought to make Purcellville what it is today and they continue to do that. How about the other Town residents and the 21st Street business and property owners that vehemently oppose not progress but this titanic project, this has long been the dream of these developers and they have shared that vision with people that eventually approve plans to narrow the street and eliminate vehicle traffic and this comes with the wonderful hand out of nearly \$2 million of changes and enhancements by taxpayers money that will benefit this development, that this development could not be built without this being done. She stated that this is about destroying every symbolic historic brick shard of glass and pieces of wood with selfish greed. Ms. Grim stated that it is the faux Purcellville Preservation Association that even a Council member has provided eloquent double speak of reasons to jeopardize the National Historic Register status of our Town, what difference at this point does it make when the people fear their government there is tyranny but when the government fears the people there is liberty and she speaks for those that cannot or are afraid to speak for themselves, it's her Constitutional right to stand here tonight and tell the Council that the people of this Town do not want nor appreciate the ongoing destruction of real historic places like one of a kind 100 year old hardware stores and other quirky mom and pop businesses in Purcellville.

Sarah Strathon of 220 South 20th Street came forward to speak. Ms. Strathon stated that she likes the design and she believes the height is subjective so while some people hate it others will love it. Ultimately when you combine luxury living with a growing downtown area that is a recipe for long term economic growth so from a business perspective she believes that this will contribute to keeping the \$80 million that is right now flowing to other parts of the County such as Leesburg and Ashburn this will actually contribute to keeping those dollars local so she is in support of growing Purcellville and seeing a design that will secure long term economic growth for this area.

Teresa Maxwell of 150 South Maple Avenue came forward to speak. Ms. Maxwell stated that she is a terrible public speaker but she has been on the drawing board for 33 years and there is no design problem that cannot be solved. The problem is that the developer has not hired the right professional to design his program requirements according to what our guidelines are and it can be solved. She stated that she does not want the job she is too busy. She stated that she loves this Town. She is very new, she has lived here 10 years, historic preservation is her passion and the way that we can solve this problem is to create a façade of this building to look like very small buildings that are all different, all connected like row houses that would emulate the streetscape. Ms. Maxwell stated that there are ways to put parapets on top of buildings that disappear, so these gentlemen have not hired the right professional. This building looks like it's a building that Oliver T. Carr would build on the edge of Old Towne Alexandria, she had an office there

for years and it is not Purcellville, we are a carriage house, old warehouse buildings. She stated that we should all be positive and bring all of the ideas together and let the project prevail but let's do it in the keeping of the spirit of this Town so that it's a "win/win" for everyone.

Mary Ellen Stover of 120 North 21st Street came forward to speak. Ms. Stover stated that she owns Mary Ellen Stover Antiques. She stated that she would like to present to the Council a petition that has been going around Town about this project, it states "we the undersigned are concerned citizens and business owners who urge our leaders to act now to vote against the appeal brought before them by Martinsburg Plaza and Chapman LLC requesting design approval for the proposed Vineyard Square in its present form, we feel strongly that this project should be required to stay within the Town's Historic Corridor Overlay District requirements. We object to the mass and height as it most certainly does not conform nor complement the existing streetscape nor does it prove aesthetically pleasing as to the overall Town architecture where recent construction has been held to a higher standard and has taken great pains to blend well into our Town." She stated that it has 164 signatures and it was done very quickly and in a very short time frame. Ms. Stover stated that she agrees with most of the comments tonight except for the one in affirmation and she does feel that this project can be restructured in a very pleasant and appropriate fashion and most people that come into the shop say that they either moved to Purcellville to get away from this type of a situation or they have come here to visit to see Nichols Hardware or to walk along the streets and enjoy the small Town atmosphere and to get away for a weekend in this type of setting. Ms. Stover stated that she went to Berryville yesterday and took pictures, they had an urban revival downtown and she thought they did a very good job, it's very complimentary each building to its own and she presented some photographs of that.

Drew Bishop of 36633 Wood Duck Court came forward to speak. Mr. Bishop stated that he is probably different than most of the people in this room tonight in that he is new, he moved just south of Purcellville about three months ago, he brought his young family here away from other family and friends because they like this area. He stated that he hopes to raise his children here and he hopes to open a business here someday but he is distressed about several elements of this project. He stated that he did not know about this until just before Christmas and he is distressed that the current Code and Zoning Ordinances would create an environment where such conflict could occur. He is also troubled by what appears to be a proposal offered by the developers which might seek to take advantage of that Code and those Ordinances and by doing so execute a plan which may place returns above reason and strength above compromise. Mr. Bishop stated that he is troubled by a body before him which may be charged by himself and others to uphold the historic fabric and moral fabric of this community but may be paralyzed to take action against any challenge to this

proposal. He stated that perhaps the fear of doing so for legal action by the developer or perhaps for some other reason and hopefully not for personal reasons so he would urge the Council to consider the recommendations of the BAR and he would like to finish by saying that he thinks he has been here before, he stated that he grew up in a Town strangely similar to this Town, they had a rail trail that ended in his Town similar in length to the one Purcellville has, they had a Train Depot that was revived and it's the Chamber of Commerce, the development of his Town started much the same way as this Town, the oldest portion of the Town was in the West and it built out to the East, here you have the Blue Ridge Mountains to the West and in his Town they have Lake Michigan. He stated that lots of people loved living there for the small character that it had and lots of people liked visiting there but they had development that wasn't checked and it opened the door and right now that community is in a lawsuit against Walmart, its right at its borders. Mr. Bishop stated that before he came here tonight he showed the picture of this development to his three year old son and asked him what it was and he told him it was a skyscraper, he believes there are lots of ways to do this and he believes that they can find another way.

Philip Foltman of 35709 Suffolk Lane came forward to speak. Mr. Foltman stated that he echo's Mr. Giglio and the BAR's comments and he offers a parallel perspective, he is also relatively new having worked and lived in the area since 2007, his wife and he bought an old historic farm of Suffolk Lane just north of Purcellville in 2010 after falling in love with the area. He stated that he is a director of an engineering group in Reston and in his career has worked on most types of projects including midrise public schools, fortune 500 office spaces and historic renovations, he is also LEED certified and work for some of the leading energy efficiency systems in the Federal sector and locally we have seen some of those kinds of improvements blending the old and new with the solar hot water at Catoctin Distillery on Main Street so it can be done in terms of preserving the new and the old and he is well versed in cost value analysis and environmental reviews and estimates and the like but he considers the destruction issues of the project and would like to suggest that this Council focus its emphasis on its charter legacy to any project particularly the one contemplated here in terms of proportion and scale. Projects and project owners will come and go, he has seen it himself after 25 years in this business, project ownership and functional change over time. The one constant throughout this process is the Town and this decision should be made for the Town by the Town. He stated that Old Towne Alexandria has over 20 square blocks of renovated area and we have two. He asked that the Council maintain the historic proportion, we all love this Town and it's why we moved here in the first place, and asked that the Council not let the historic downtown morph into something like Wegman's along Battlefield Parkway where he got lost six months ago because every street looks the same. He stated that good architecture helps to build a Town. He stated that he loves the local stores and the feel that you get from a downtown such as this. This style can be

repeated and maintained as you all know, historic Saratoga Springs New York is a classic example there is a famous hardware store which rivals Nichols in history and character. He stated that there is room for expansion at the Harris Teeter Plaza as we all know there is room there certainly along Maple Avenue where the Re-Store moved out and he would like to close saying that we have one historic downtown so let's build it wisely.

Don Nichols of 14016 Mountain Road came forward to speak. He stated that although he is not currently a resident of Purcellville he was born and raised here as was born and raised here as was his father who is currently a resident and owner of Nichols hardware. Mr. Nichols stated that his father has mobility issues and can't be here tonight so he is authorized to speak on his behalf. He stated that they are opposed to this project and believe that it is totally out of place. He stated that he has been to the Board of Architectural Review before and he has called it a monstrosity, he stated that this project is huge, it's tall and if you come off of Rt. 7 onto 21st Street you see on both side of the street buildings that are one or two stories high and then suddenly you get a six story or a 65 foot building, it's going to block the sunlight from the front of Nichols Hardware. He stated not only from the size standpoint but the architecture does not fit. Mr. Nichols stated that he was driving down Main Street on Saturday, went to Nichols hardware then went to Giant and he was driving down Main Street and he was looking at all of the old houses and he sees Victorian Style now whatever style is being proposed tonight. He stated that the petition that Mary Ellen presented tonight was at Nichols Hardware for less than a week and we got more than 60 signatures. He stated that not everyone that signed it is a Purcellville resident but we should keep in mind that Purcellville has been the economic hub of Western Loudoun. People come to downtown Purcellville to shop and these are the people that are coming into the store and they say they don't want this.

Frank DiPerna of 37559 Allder School Road came forward to speak. Mr. DiPerna stated that he has no real objection to some kind of redevelopment project downtown, it will bring more people, business and social activities to the center of Town, and he thinks this is desirable but he does not believe that this proposed project is a good fit. He stated that this project has been somewhat controversial because of the issue of preserving the facades of the old historic buildings and the issue of scale of the new building. He stated that the issue of the facades have unfortunately already been decided and in his opinion not in a favorable way. On the scale issue and from the drawings that he has seen this project just looks wrong, it's too big, it's too bulky, it's the wrong design and now that he has seen the drawings which he had not seen before he feels even more passionately that this building has no purpose in Purcellville whatsoever. It doesn't fit into the old Town, the BAR has said that and they suggested that a two or three story buildings would be better suited in the area and he has to agree. He stated that the developer has said that he can't take a story off and make the

building work, what does that mean, less profit, no profit, could someone else made a project that fits the Town better and still make some money. Mr. DiPerna stated that he would encourage the Town Council to send this project back to the drawing board and see if there is something that suits our Town better can't be achieved. He asked that the Council listen to the BAR, they have done a really good job in making sure that many of the new buildings in Town look like they belong here. In closing he would like to say that there are three projects out there that are likely to permanently change the character of the Town, one Autumn Hill is done, he believes the completion of Vineyard Square as proposed and the newly proposed apartment/amusement park complex just might mark the end of the small Town era in Purcellville. Mr. DiPerna stated that every time he looks at that picture he has a hard time believing that there is a chance he might have to come to Town and see that every time he comes to Town.

Adele Tuman of 37661 Grovers Mill Lane came forward to speak. Ms. Tuman stated that she and her family just moved here this summer because they wanted to live close to her grandmother and because they wanted to live in a small Town. She stated that she and her four brothers and sisters and her mom and dad love it here and they don't want it to change. She asked that everyone just go home and just watch the Disney Movie Cars and put off this vote until later.

Stacey Tuman of 37661 Grovers Mill Lane came forward to speak. Ms. Tuman stated that she and her family moved here over the summer, she grew up in Arlington and although she would say she was an Arlington resident they would spend many a weekend out here because they had close family friends in Philomont so she considers Loudoun and this area in particular a second home so she is very glad to be back in this area and was dismayed to hear about this project because she has such a passion for this area and had envisioned that it would stay this way forever. Ms. Tuman stated that the thing that has been most telling for her in the few days that she has had to talk to people about this is that the people who interact with other people like other moms at the schools really didn't know about this at all and the old timers that she shares breakfast with at Tammy's Diner did know about it but most of them shrugged their shoulders and said that's just how it is now, we don't even try to fight it anymore and she thought that was a really sad statement for people that have lived their whole lives here. She stated that the reason she brought her kids here with her is because they are learning about the democratic process in school and she has told them that we have a voice and you can go and say how we feel about things and it's important for them to see this, the thing that they are seeing tonight is that the vast majority of the people that come up to the podium are against this project. She stated that it would be her hope that the Council members would recognize that and respond appropriately.

At this point the Council took a five minute recess.

STANDING COMMITTEE/COMMISSION/BOARD REPORTS:

- a) Planning Commission
- b) Tree and Beautification Commission
- c) Board of Architectural Review
- d) Parks and Recreation Advisory Board
- e) Economic Development Advisory Committee
- f) Committee on the Environment

CITIZEN/BUSINESS COMMENTS:

Jim Bowman of 200 North 28th Street came forward to speak. Mr. Bowman stated that they had their Purcellville Business Association meeting this afternoon at the Country Club and he wanted to thank the Mayor for coming by along with Vice Mayor Melton and Council member Lehr to give the State of the Town Address. He stated that it was well attended and was the largest group they have had there. Mr. Bowman stated that he would like to recognize Lt. Rust and some of the other officers who were given a plaque by the Tree of Life for helping with providing and serving dinner one Thursday night a month to those that are less fortunate.

Sarah Chaffee and Iain Armstrong with Patrick Henry College came forward to speak. Ms. Chaffee stated that she serves as President of the Community Involvement Commission at Patrick Henry College and with her is Student Body President Iain Armstrong. Ms. Chaffee stated that two years ago she remembers piling into a car with other PHC students donning orange vests and helping out at the Purcellville Clean-up Day and they would like to renew their commitment to involvement in the local community and voice their desire to be an active part of Purcellville. She stated that there are two areas she would like to address quickly, first of all the relationship of the student body and the Town of Purcellville and secondly, how we can strengthen this relationship. First of all they took a survey earlier in the year and one of the top rated service projects that students could be involved with was local community events so they are very interested in participating more. Ms. Chaffee stated that they also see the value of being good neighbors, the Town has been good neighbors to the School and they would like to do the same for the Town. She stated that having PHC students regularly take a part in the community will have a mutually beneficial relationship for the school as well as the student body. She stated that there are several ways that they believe that the school and the Town of Purcellville and the community can partner together, the first way is by PHC students participating in community events, they are going to aim to have a couple of community events per year where students can be involved and volunteer their time to help this community. She stated that they are hoping to participate in the Loudoun Grown Expo as volunteers in February, in addition they are also setting up a training day at campus with Tree of Life so that their students are trained to be volunteers there and help the less fortunate in the community. Ms. Chaffee stated that she would like to invite Town residents to come to their campus and be involved in the things that they are doing, specifically each semester they have a large play or a large musical they put on and this semester it's Beauty and the Beast, in the past it's been Fiddler on the Roof, A Christmas Carol, etc.. She stated that they also have two large concerts

each semester that the public is welcome to attend and they would like to continue to foster the dialogue between the student body and the community. Ms. Chaffee stated that in the long term, she and Iain hope to see a day when every family in Purcellville knows either a PHC alumni or a current PHC student and at the same time every new student arriving on campus becomes not only an involved part of their PHC student community but an active member of Purcellville.

Iain Armstrong, Student Body President for Patrick Henry College came forward to speak. Mr. Armstrong stated that he just wants to say on behalf of the student body a big thank you to the members of the Council for being willing to work with them on this and specifically Council member Wiley for putting an effort into this. He stated that there is really a lot of interest in being more involved in the community so they are really looking forward to continuing that relationship and being a more vibrant part of this community.

William Baker of 16971 Purcellville Road came forward to speak. Mr. Baker stated that integrity and transparency in local government, Baker for Mayor in 2014 has a nice ring to it, anyway, does anyone read or do research anymore before casting hasty votes. He stated that in reading the Virginia State Health Department Code section before the vote on Autumn Hill, it was 29 pages, he doesn't understand or see where anyone read that, he also doesn't see where anyone read the three pages from the Loudoun County Health Department and if so the vote didn't reflect it, you didn't understand it and didn't comprehend it. He stated that there was never an environmental disaster waiting to happen by the 492 units the disaster is about to happen with Purcellville, unlimited H2O an sewer hook ups 492 units can now easily become 1,000 units with a few short words and in a short time, the true disaster is that Purcellville wanted Autumn Hill and the hundreds of thousands of homes in the pipeline. He stated that just recently he was questioned by the FBI, he stated that an FBI agent inquired about lies, deceit, deception, kickbacks and payoffs to contractors and developers, this gentleman inquired about corruption among County leaders and Purcellville leaders so it is apparent that he is not the only one that is concerned. Mr. Baker stated, in closing Mayor are your advisors your formally incarcerated co-workers from New York.

MAYOR AND COUNCIL COMMENTS:

Council member Wiley stated that he has no comments.

Council member McConville stated that he has no comments.

Vice Mayor Melton stated that he has no comments

Council member Nave stated that he has no comments.

Council member Lehr stated that besides being a Council member and a Business Owner he is a member of the Purcellville Rotary which is an organization in this Town that tries to give

back to the community, they ring the bell at Christmas for the Salvation Army, they do a major Toys for Tots drive and right now the Rotary is working with the Interact Club to do a drive for things needed by the INOVA Pediatric Unit, new books, crayons, coloring books, simple toys and things that children can use while they are in the hospital who parents may not be able to bring things in so she is asking everyone to donate.

Council member Priscilla stated that he had no comments.

Mayor Lazaro wished everyone a happy New Year, he also thanked the highway staff, there was a serious accident on Purcellville Road and the Fire Department and Rescue Squad had a hard time getting there so instead of waiting an hour and a half for VDOT to come treat the road the Purcellville crews came out and he appreciates that type of cooperation. Mayor Lazaro stated that the Loudoun Grown Expo will be held on February 15th and will be extended by one hour this year, it will start at 1PM through 6PM. He stated that there were over 3,000 people there last year and by expanding it the Town believes it will work better with the flow of people. Mayor Lazaro stated that if you live in the Town of Purcellville the new Recycling Carts are coming, there will be something in the new water bill soon on how to get one. He stated that if you look at the Town website you can get the phone number for American Disposal to order one. He also stated that there have been a lot of speculation and questions that he would like to answer with respect to something that is happening in Town, he stated that it has been an honor for him to serve as Mayor and part of it has been to bring special events to the community and a lot of people have been asking but unfortunately the Sea Chanters will not be able to come on February 2nd because they have been invited to sing at the Super Bowl so they will be rescheduling at another date and time.

CONSENT ACTION ITEM:

None Scheduled

ACTION ITEMS:

a) Adoption of NVTa and Loudoun County MOA Dealing with HB2313 Transportation Funding

Vice Mayor Melton made a motion that the Town Council authorize the Town Manager and staff to sign the attached Memorandum of Understanding with NVTa between the Town of Purcellville and Loudoun County to address the new distribution of transportation funding in Northern Virginia under HB2313.

Motion: Vice Mayor Melton
Second: Council member Wiley
Carried: 7-0

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Wiley -	Aye
McConville -	Aye
Melton -	Aye
Nave -	Aye
Lehr -	Aye
Priscilla -	Aye
Mayor -	Aye

b) Appeal of BAR Decision on CDA13-11

Council member Priscilla stated that he would like to discuss some outlines since there are some people here that made here who have heard some comments and what they think we are doing and what they hope we can do and what they would like us to do and sometimes that conflicts with what we took an oath we to uphold. Council member Priscilla stated that the reason we are here is because the applicant has a legal right to appeal a decision by the BAR, those appeals go to the Town Council. Some in the community said that they can't believe the Council is hearing the appeal, but we are required too, that is part of the public process, he stated that the lady who spoke about her kids seeing the democratic process will get a good example tonight and know that it not only includes hearing from people and taking things into consideration but following rules and regulations. He stated that people have also asked what it is that has to be considered in the appeal, he stated that that is fairly well outlined as well, things that need to be considered are the applicants proposal that is what is before the BAR and before the Council, the Design Guidelines, the Zoning Ordinance, the Town Code, the Downtown Master Plan all of those things have to be considered in a decision he can't just take one and not consider the others and they refer to each other. He stated that someone mentioned that the conflict one another but he does not characterize it as conflicts when some are general and some are specific, there is the appearance of a conflict but if you step back and read it all in concert with everything then most of the time you will find that there is really not a conflict it is just a question of how much weight you give to something that is general. He stated that one of the latter speakers that just moved here mentioned something from his take of looking at things what he characterized as apparent conflicts and he would like to address some of those. Council member Priscilla stated that he has an engineering background so when you say something it two he's got it, when you tell him something should be "tall" then he doesn't know what that is because that means something different to everyone. So for better or for worse some of the documents that they need to consider use subjective terms, reasonable people will look at those and come to different conclusions, it doesn't mean one was good and one was bad it's just reasonable conclusions. For instance there is a staff report for this project and that is part of what he reviews, so when someone asks how much time I spend on things, he can say he has spent about 50 hours reading everything and going out and doing things, thinking about it, asking questions so it's not something that anyone takes lightly. Council member Priscilla stated that the staff report did a couple of things which is not part of the official record other than it is in the packet which also gives weight. He stated that the people who write the staff reports are professionals just as the BAR, just as the Council, so what did the staff determine when

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they reviewed the application with those same documents that he mentioned. He stated that the staff determined that the project complied with the Ordinance and it complied with the Design Guidelines. He stated that people may agree or disagree but they are professional and that was their opinion. He stated that the BAR reviewed the project and approved it but had some concerns about specific aspects and most of those aspects were really generated by some of the subjective terms in the BAR and how they have to try to apply them using their judgment. He stated that there are not two people in the room which will agree on the single biggest issue in this project is what people would either characterize as mass and scale which is general, he doesn't know what that means, but he knows what the height is which the Ordinance specifies, here is some height perimeters, here is how close you can build to the property lines. Those are very specific, did you meet it or did you not meet it, mass and scale is much more subjective just as when you are comparing mass and scale trying to figure out as the Design Guidelines provides some instruction, make sure it provides for a gradual transition, again everyone in the room is probably reasonable, he doesn't know what that means to everyone but it is probably something different. Council member Priscilla stated that the other things he looked at were trying to reconcile what people called "conflicts" or what he would summarize as apparently inconsistencies to him there isn't a specific number that would solve the problem, what height is ok what height is not, he really looked at the buildings on the street too, what are the stories, the BAR used the term story rather than height so what are the stories of the buildings on the street that are they and they range from one story to four and a half stories with the tallest being four and a half stories at 21st and 23rd Street area and the four and a half story building isn't the tallest downtown Magnolia's is, it's not the greater number of stories. He stated that there is a one story building next to the White Palace that is three if not more stories so when you say gradual transition it doesn't talk about going from smaller to taller that can also go from taller to smaller and he believes it's important when you try to harmonize all of those things you have to use a little common sense. He stated that something that is near and dear to his heart and something he spent a lot of time on is the Train Station, it is sandwiched between the two tallest buildings downtown but there isn't a soul in here that would say it would be inappropriate if someone proposed that one story building between a 57 foot tall building and a four and a half story building that that was not gradual, he calls that common sense, he isn't saying that's the best answer but he is looking at all of that stuff and how to harmonize all of these different things pulling in different directions.

Council member Priscilla made a motion that the Town Council move to affirm the BAR's approval and conditions of CDA 13-11 including drawings submitted through December 18, 2013 subject to the following:

- 1) Modify condition 1, the portions of the building forming the corner of 21st and O Street shall be no greater than four stories as viewed from the street level on 21st Street to maintain a gradual transition between existing buildings on 21st and 23rd Streets and the proposed building, further the proposed building elevations shall not exceed 47 feet six inches as identified on the plans dated December 18, 2013 submitted as part of CDA 13-11.

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- 2) Modify condition 2, the portions of the building comprising the rear east elevation shall be no greater than five stories as viewed from the street level on 21st Street to maintain a gradual transition between existing buildings on 21st and 23rd Streets and the proposed building, further the building elevation shall not exceed 59 feet six inches as identified on the plans dated December 18, 2013 submitted as part of CDA 13-11.
- 3) As the Design Guidelines encourage the provision of traditional Tuscan or Doric round columns and the BAR has previously determined that their use was compatible on other projects with the prevailing and recognized historic architectural character of the surrounding area, condition 3 shall be eliminated.
- 4) As the Design Guidelines identify only that the project should give attention to the incorporation of decorative parapets and meaningful cornice lines rather than require their incorporation, condition 4 shall be eliminated.
- 5) Modify condition 5,

Item 1 Pergola detail - retain this aspect of the condition. The applicant has eliminated element in accordance with request.

Item 2 Freight Depot expression - as other buildings on 21st and 23rd Streets including the parking lot gazebo, the Train Station, Dillon Mill, Magnolia's Mill and the former livery stable provide similar elements the expression is compatible with the recognized historic architectural character of the surrounding area and this aspect of this condition shall be eliminated.

- 6) Modify condition 6,

Item 1 Agrarian Expression - as other buildings on 21st and 23rd Streets including the parking lot gazebo, the Train Station, Dillon Mill, Magnolia's Mill, former Livery Stable and the former creamery evoke an Agrarian Expression the use of those elements is compatible with the recognized historic architectural character of the surrounding area and this aspect of the condition shall be eliminated.

Item 2 Silo-like roof - Retain this aspect of the condition. The applicant has eliminated the element in accordance with the request.

Motion: Council member Priscilla
Second: Vice Mayor Melton

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Council member Lehr stated that she is a tenant of Mr. Chapman and in a small Town you will have people come in front of you that are your clients or your tenants and unless you have a different type of financial obligation you need to move on and be part of the process. She stated that the Town is also a tenant of Mr. Chapman's and she believes that is important to put out there and believes that everyone needs to understand that we have been elected to help make decisions by the people and our decisions should not be impacted by the fact that we are a tenant or a client of someone.

Council member Priscilla stated that he wanted to clarify why he proposed this as a straw man. He stated that some aspects from the Design Guidelines help clarify for those that thought there might be some conflict he believes it provides some guidance to help. He stated that on page 4 it states "it's not the intent or purpose of the guidelines to duplicate or alter the Town's regulations or ordinances, therefore these guidelines should be used in concert with all Town requirements. He stated that it goes further to say "it is likely there will be instances when there may be a conflict and in case of a conflict the Town's regulations and ordinances will govern" and that helps provide some clarity to him if someone did see an inconsistency. One of the other items from page 11 that he took into account, he said a lot of people talked about them but there are probably only about a handful of people that have actually read them completely, that's the members of the BAR and probably some staff and perhaps the Council, page 11 talks about infill projects and this is an infill project at this point "infill buildings shall follow the Town of Purcellville Zoning Ordinance in terms of height limitations", so the Design Guidelines recognize and state that you need to look at some other stuff to help you as you are making the decisions. One of the things from the Zoning Ordinance, remember the BAR guidelines apply to more than one zoning district so the engineer in him is disappointed that they are not specific because that's easy for him, that's how he views the world it makes it easy for him to make decisions but if you understand that it applies to more than one Zoning District all of which have different height requirements, setbacks and everything else then you understand why the design guidelines can't be specific they have to be somewhat general, somewhat subjective because they have to use one document for all of these districts. If you go to the Zoning Ordinance and what is the purpose of the central commercial district which is where this property lies which most people call downtown. He read from the Zoning Ordinance, one of the documents he is to consider when making a decision, "it is intended to do these things.....permitted building bulk and coverage is relatively high" some people don't like that but that's what the Ordinance says when you look at the other commercial and industrial districts that are subject to those design guidelines you can't build as big of a building, you can't build to the property lines, so for some who have said a big building isn't appropriate there well if he were to take that position then he would be ignoring the purpose of that district, he has to factor that in. Council member Priscilla stated that since the BAR talked about stories rather than height then how does he try to harmonize what he believes to be gradual transition and he focused his efforts at 21st and 23rd where the buildings range from one to four and a half stories and if you were comparing one across the street and one right next to it the ratio of the number of stories is somewhere one to one to four to one with the existing buildings there a ratio of the number of stories of height of something that's proposed generally meets it in his mind and two to one is somewhere between one to one and four to one. The

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reason he put in to modify the first condition of four stories with a specific elevation was because that's two to one of the building next to it when you talk about the corner of 21st and O Street, how did he come up with five stories on the front part because the building across the street is two and a half stories so two times that is five and that made it easy in his world. Council member Priscilla stated that the other thing he tried to do with the Ordinance is he spent some time with the Town staff because no matter what the Council passes there are a couple of factors in a motion, whether it's Council or the BAR or the Planning Commission, it has to be legally sufficient, it has to be clear, and the staff has to be able to enforce it because whatever decision is made the staff has to enforce it.

Mayor Lazaro stated that he would like to make some comments about the project, he stated that when Bill Druhan was elected Mayor one of the first things he had done is hire the good folks at Northern Virginia Regional Commission in the summer of 2002 to do a Downtown Charrette because Bill and the Council at the time understood the value of our downtown and the potential for redevelopment and what they saw in terms of what was happening in Town. That was a three day event, he attended most of it and was attended by 100's of people in and out during the course of the Charrette and from that came a report which was ultimately adopted by the Town Council which was then transformed into a downtown improvement plan which was subject to public hearing and ultimately adopted by the Town Council which was then incorporated into the Comprehensive Plan which over a two year period was subject too multiple public input sessions and public hearings and much of what we see here is consistent with what we had in that plan. Also, there were amendments made to the Zoning Ordinance when we took 1,000 houses off the planning map and they also made changes to a number of the business districts and he was on the Planning Commission at the time before he became Mayor and they made numerous changes but the height of the building and the scale of the building, all of this was considered all through a public process and Bill Druhan, God rest his soul, understood the value of our downtown and when you go around the country today and you look at successful downtowns and the redevelopment of downtowns there are a couple of things you have wider sidewalks, streetscape, improved pedestrian access, handicap access and the like but also they have people living in their downtown and if you want to have a successful downtown people have to live in your downtown to be successful. To the new people who just moved here, he visited Purcellville in 1995 or 1996, his brother in law lived on 20th Street and he took his daughter who was three or four at the time to see the cows on Nichols Farm which is now Locust Grove, when he came back and bought his house, what was there before and what was there when he came back was astonishing, Locust Grove, Hirst Farm, Village Case, Courtland Square, Courts of St. Francis, Purcellville Green, Purcellville Ridge, Old Dominion Valley was 40 or 50 acres of old grove forest all under construction, Branbury Glen and the Giant shopping center, all were approved and under construction before he ever stepped foot in the Town and was elected to the Town Council in 2004. Since that time there has not been a single residential up zoning and when the Town comprehensively remapped the Town they took more than 1,000 houses off the planning map all consistent with the Comprehensive Plan. He stated that there are some people who want absolutely nothing and that's impossible. The Town through its Comprehensive Plan, it's Downtown Improvement Plan the Charrette Plan created a vision and he saw a great quote come up on the

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computer the other day by Henry Ford "Vision without Execution is Just Hallucination". He stated that we have put together these plans and Zoning Ordinances in place to see them occur, some will be unhappy and some will be happy, he stated that it is not the Town Councils job to design the building. Mayor Lazaro stated that he has been disappointed in how this has played out over the last three months. He stated that when the Council took up the issue of the demolition he had said that he did not want to see this come back because he thought it was best that the BAR deal with it and he would have been interested at one time in sending it back but not anymore, he believes a decision needs to be made and give the applicant their answer and move forward. He stated that there were one or two things stated on the record that he would like to ask the Town staff for clarification, it was stated that the buildings that were approved for demolition were on the historic register and as far as he knows the only three buildings on the National Historic Register in the Town are the Locust Grove House, the Train Station and the Tabernacle, is that correct?

Mr. Sullivan stated that that is correct.

Mayor Lazaro questioned another statement that was made that the only reason the Town is doing the downtown improvement project is for this building to be built. He asked if the project has any function or connection with this project.

Mr. Lohr stated that it does not, he stated that the downtown improvement project began back in 1994 when the Town began multiple phases well before this property had been purchased by any of the current owners.

Mayor Lazaro stated that another statement was made that this is a Town project.

Mr. Lohr stated that this is not a Town project.

Mayor Lazaro asked if this public hearing was legally advertised.

Ms. Hankins stated that it was.

Carried: 6-1

Wiley -	Aye
McConville -	No
Melton -	Aye
Nave -	Aye
Lehr -	Aye
Priscilla -	Aye
Mayor -	Aye

DISCUSSION/INFORMATIONAL ITEMS

- a) None Scheduled

APPROVAL OF MINUTES

- a) None Scheduled

CLOSED SESSION

Vice Mayor Melton made a motion that pursuant to Section 2.2-3711(A)(7) of the Code of Virginia, the Purcellville Town Council will go into closed receive a briefing from staff and consult with legal counsel regarding actual litigation between the Town of Purcellville and the Harford Mutual Insurance Company concerning the Hirst Farm Subdivision, since such briefing and consultation in an open meeting would adversely affect the negotiating and litigating posture of the Town.

The following individuals are requested to attend the closed meeting:

- a) All Town Council members
- b) Robert W. Lohr, Town Manager
- c) Patrick Childs, Assistant Town Manager
- d) Alex Vanegas, Director of Public Works
- e) Sally Hankins, Town Attorney
- f) Joseph M. Sullivan, Attorney

Motion: Vice Mayor Melton
Second: Council member Lehr
Carried: 7-0

Wiley - Aye
McConville - Aye
Melton - Aye
Nave - Aye
Lehr - Aye
Priscilla - Aye
Mayor - Aye

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Vice Mayor Melton made a motion that the closed meeting be adjourned and that the Purcellville Town Council reconvene in a public meeting and that the minutes of the public meeting reflect that no formal action was taken in closed session.

Motion: Vice Mayor Melton
Second: Council member Lehr
Carried: 7-0

Wiley -	Aye
McConville -	Aye
Melton -	Aye
Nave -	Aye
Lehr -	Aye
Priscilla -	Aye
Mayor -	Aye

Council member Melton made a motion that the Purcellville Town Council adopt Resolution 14-01-01 certifying the closed meeting of January 14, 2014.

Motion: Vice Mayor Melton
Second: Council member Lehr
Carried: 7-0

Wiley -	Aye
McConville -	Aye
Melton -	Aye
Nave -	Aye
Lehr -	Aye
Priscilla -	Aye
Mayor -	Aye

OLD BUSINESS:

None Scheduled

NEW BUSINESS:

Vice Mayor Melton made a motion that the Town Council authorize the Town Manager and Town Attorney to enter into a settlement agreement with the Hartford Mutual Insurance Company in which Hartford pays the Town not less than \$40,000 in settlement of the lawsuit Town of Purcellville, VA vs. Hirst Development LLC and the Hartford Mutual Insurance Company and in settlement of all Maintenance Bond Issues located in Hirst Farm Sections 2a

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and 2b. He further moved that the Town Council authorize and direct the Town Manager and Town Attorney to take all steps necessary to finalize and implement such a settlement.

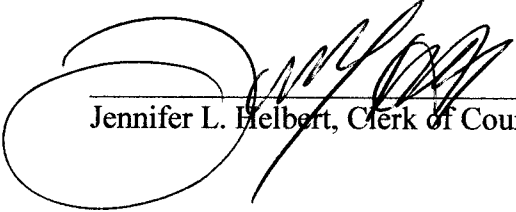
APPROVAL OF MINUTES:

Council member Lehr made a motion to approve the minutes of November 26, 2013, December 10, 2013 and December 17, 2013 as submitted.

ADJOURNMENT:

There being no further business the meeting adjourned at 9:21 PM.

Robert W. Lazaro, Jr., Mayor



Jennifer L. Helbert, Clerk of Council



TOWN OF PURCELLVILLE

TOWN COUNCIL

RESOLUTION NO. 14-01-01

PRESENTED: January 14, 2014

ADOPTED: January 14, 2014

**A RESOLUTION: CERTIFYING THE CLOSED SESSION ON
JANUARY 14, 2014**

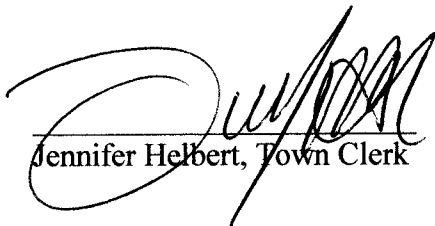
WHEREAS, the Purcellville Town Council of the Town of Purcellville, Virginia, has this day convened a closed session in accordance with an affirmative-recorded vote of the Purcellville Town Council and in accordance with the provisions of the Virginia Freedom of Information Act.

NOW, THEREFORE, BE IT RESOLVED that the Purcellville Town Council does hereby certify that to the best of each member's knowledge, 1) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and 2) only such public business matters as were identified in the Motion by which the said closed session was convened were heard, discussed or considered by the Purcellville Town Council.

PASSED THIS 14TH DAY OF JANUARY 2014.

Robert W. Lazaro, Jr., Mayor
Town of Purcellville

ATTEST:



Jennifer Helbert, Town Clerk